

### **REMARKS**

Claims 1-5, 7-8 and new claim 9 are pending. The support in the published application for the amendments are as follows: Claim 1: deleting subject matter only; and Claim 9: claims 1 and 4. No new matter has been added.

**Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomita, T. et al. (Rare Earths, 2002).** (Office Action, page 2)

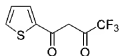
Claim 1 is amended to overcome Tomita by reciting a chemically distinct compound. Tomita discloses an  $\text{Eu}(\text{hfa-D})_3$  BINAPO complex with  $\text{R}_2$  as  $\text{CF}_3$ . In the claimed invention, however,  $\text{R}_2$  cannot be  $\text{CF}_3$  as claim 1 is amended in part as:

the groups included in (a), (b), and (c) may be substituted with ~~an alkyl group or a~~  
halogen atom; and  $\text{Ln}$  represents a rare earth metal atom

Thus Tomita cannot now legally anticipate claims 1-5. It is respectfully requested that the rejection be withdrawn.

**Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita, T. et al. (Rare Earths, 2002), in view of Alburger, J.R. (U.S. Patent 3,567,932).** (Office Action, page 4)

Alburger discloses tris-(4,4,4-trifluoro-1-(2-thienyl)-1,3 butanediono)- europium, shown as:



In the invention now claimed, the 2-thienyl group is eliminated from claim 1 by the amendment in part:

(a) a cyclopentadienyl group (one  $\text{CH}_2$  group existing in the cyclopentadienyl group may be replaced by ~~-O-~~ ~~or~~ ~~-S-~~),

Thus claims 1-6 are not at all taught by the combination of Tomita, discussed above, and Alburger. In other words, the combination of references nowhere teaches the distinct compounds now claimed.

It is respectfully requested that the rejection be reconsidered and withdrawn.

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita, T. et al. (Rare Earths, 2002) and Alburger, J.R. (U.S. Patent 3,567,932), as applied to claims 1-6 above, and in further view of Gladiali, S., et al., (Tetrahedron Asymmetry, 1998) and Norton T.R., et al., (U.S. Patent 2,723,982). (Office Action, page 6)**

The amendments to claim 1 obviate the combination of Tomita, Alburger, Gladiali and Norton, for the reasons above, thus overcoming the rejection.

Furthermore, since none of the references disclose a Yb(hfa-D)<sub>3</sub> BINAPO complex, new claim 9 is neither anticipated or obvious.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 04-1105.

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Respectfully submitted,

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